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SUBJECT: UNHCR CAMBODIA ON MONTAGNARDS

SENSITIVE BUT UNCLASSIFIED. NOT FOR INTERNET DISSEMINATION.

11. (SBU) Summary. UNHCR'S Phnom Penh office reported that direct arrivals of Montagnards to the UNHCR office in Phnom Penh makes up 75 percent of new arrivals in 2007, compared to 40 percent of new arrivals in 2006. During the UNHCR office reporting period starting May 1, the UNHCR has seen an increase in refugee recognitions totaling 43 percent of Montagnards who arrived prior to May 1 (28 cases out of 65 first-instance decisions). UNHCR notes that five of these cases have been recognized because of publicized links with Montagnard activists in other countries that make them more vulnerable to persecution if they were to return to Vietnam. Recently there have been only two applications for voluntary repatriation. The UNHCR report says this is because of the new U.S. policy which has led to final rejected cases deciding as a group to refuse repatriation counseling. End summary.

INCREASE IN DIRECT ARRIVALS TO PHNOM PENH

12. (SBU) On October 1, the Office of the United Nations High Commissioner for Refugees (UNHCR) in Phnom Penh provided a non-public, internal report to its partners in the international community stating that in 2007 there have been 269 new Montagnard arrivals, 200 of whom were direct arrivals to the UNHCR office in Phnom Penh. Direct arrivals of Montagnards to the UNHCR office in Phnom Penh make up 75 percent of new arrivals in 2007, compared to 40 percent of new arrivals in 2006. The number of direct arrivals to Phnom Penh has doubled from 66 during the first four months of 2007 to 134 direct arrivals from May 1 through September. The report links the increase in direct arrivals to possible encouragement by Montagnards who are in the U.S, noting the increase in direct arrivals coincided with the May 1 date of implementation of the new U.S. policy on Montagnards. For non-direct arrivals, the report states that in September the UNHCR and the Royal Government of Cambodia (RGC) conducted their fourth joint mission to Ratanakiri bringing 23 asylum seekers to Phnom Penh.

RECENT INCREASE IN REFUGEE RECOGNITION

13. (SBU) The report states that there has been a recent increase in refugee recognitions of Montagnards who arrived prior to May 1. (Note: Our Phnom Penh UNHCR office interlocutors told Poloff that the UNHCR has not made status determinations for any of the Montagnards who arrived after the May 1 cutoff date. UNHCR does not expect to make final determinations for post-May 1 arrivals until early 2008. End

note.) Of the 65 first-instance decisions, 28 were recognitions (43 percent) and 37 were rejections. The UNHCR Phnom Penh office report states that seven of the first-instance recognitions were based on derivative status and 21 cases were recognitions based on well-founded fear of persecution over religion or political opinion. Five of the cases were recognized because of demonstrated links with Montagnard activists in other countries that may make them more vulnerable to persecution if they were to return to Vietnam. For these five cases, the matter of past persecution was not as important to the UNHCR determination as was the possible risk of future persecution, according to the report.

DECREASE IN VOLUNTARY REPATRIATION

14. (SBU) According to the report, there have been only two recent applications for voluntary repatriation and previous momentum for voluntary repatriations seems to have slowed. The UNHCR report states this is due to the new U.S. policy "which has led to the final rejected cases deciding as a group to refuse all repatriation counseling." On September 4, UNHCR submitted to the RGC the names of 21 individuals who have been turned down by both the UNHCR and U.S. Overseas Processing Entity review, and who are subject to Cambodian immigration laws. The RGC has not announced plans to repatriate the 21 individuals but the UNHCR office said that, in the past, the RGC gives only a few days advance notice.

CURRENT STATS ON MONTAGNARDS IN PHNOM PENH

15. (SBU) The report states that there are currently 379 Montagnards in the Phnom Penh sites. Of these, 157 persons

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(41 percent) have been rejected (70 persons on first instance and 87 persons have exhausted their appeal with UNHCR), 78 (21 percent) have been recognized, and 144 (38 percent) are pending refugee status determination. Of the 269 arrivals in 2007, 53 persons (20 percent) have been recognized and 66 persons (24 percent) have been rejected. The report states that 150 persons (56 percent) are pending in the first instance due to a backlog of cases and that an increased number of arrivals has resulted in refugee status determination interview delays of as long as two months. In 2007, 89 persons have departed for resettlement -- 85 to the United States, three to Canada, and one to Finland.

UNHCR CONCERN OVER CREDIBILITY OF CLAIMS

16. (SBU) The report unclearly suggests that a possible increase in contact between Montagnards in the sites and Montagnards who are in the U.S., and between Montagnards who have not yet had a refugee status determination interview and those who have been interviewed already, has led to an increase in the number of non-credible claims. The office suggests that the information exchanged between the groups has led to "copycat claims" and that individuals who have not been interviewed yet want to know from others how they "can avoid 'failing'". The report makes reference to the possibility that Montagnard groups in the U.S. are "funding and fueling" the movement of Montagnards into Cambodia. The UNHCR office in Phnom Penh also has seen an increase in involvement of U.S.-based Montagnards and Montagnard advocacy groups trying to intervene in the UNHCR process, mainly through letters about individual cases.

17. (SBU) COMMENT. The report implies the possibility that Montagnards are trying to overcome the new U.S. policy that Montagnards who come to the UNHCR office after May 1 will have their refugee claims screened only by UNHCR and will not have the chance of special, secondary screening for U.S. resettlement. We have assurances from the UNHCR office that

they continue to base their determinations on what they hear from individuals during personal interviews. UNHCR continues its visits to the Central Highlands of Vietnam to assess the situation on the ground. Post will work closely with the Embassy in Hanoi and the Consulate in Ho Chi Minh City for their assessment of whether UNHCR is getting appropriate access and information there. Post will remind the UNHCR office in Phnom Penh to ensure that they continue to sort out legitimate refugee claims even among those applicants who first present "copycat claims." Post suggests doing the same thing in Geneva with the UNHCR. END COMMENT.

MUSSOMELI